

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
NOVEMBER 4, 2010**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police

Mayor Fife called the meeting to order. The Reverence Period was given by Pastor Barsuhn from the Rocky Mountain Bible Church. The scouts in the audience led the Pledge of Allegiance. A motion to approve the minutes of October 7 and 21, 2010 Council Meetings and October 19, 2010 Work Session was made by Councilmember Ericson, seconded and carried.

PRESENTATIONS

Presentation of Master Municipal Clerk Designation to City Recorder

PUBLIC COMMENT

CONSENT

Appointments to the Bicycling Committee
Appointment to the Planning Commission

PUBLIC HEARING

Receive Input on the Intent to Surplus a Significant Parcel of Real Property Located 332 South Main

SCHEDULED DELEGATION

Request to Allow Chickens Within City Limits
Bear River Health Department Annual Report

NEW BUSINESS

Request to Amend Six-Year Capital Plan to Include \$100,000 for the Soup Kitchen, \$100,000 for the Family Support Center and \$100,000 for Home Improvement Projects
Request for Approval of Resolution Authorizing the City to Execute the Second Amended and Restated Interlocal Cooperative Agreement of the Utah Infrastructure Agency (UIA)

UNFINISHED BUSINESS

Discussion on 700 South and 200 West Intersection and 200 South and 200 West Intersection

OTHER BUSINESS

PRESENTATIONS

Presentation of Master Municipal Clerk (MMC) Designation to City Recorder

Members of the Utah Municipal Clerk Association (UMCA) Tracy Norr, Draper City Recorder; Nancy Dean, Clearfield City Recorder; and Annette Spendlove, North Ogden City Recorder came forward. Ms. Norr announced that Mary Kate Christensen has earned her Master Municipal Clerk designation. This is the highest level of certification that is offered through the International Institute of Municipal Clerks Association. In order to receive the MMC, individuals must have first received their Certified Municipal Clerk designation, which required 50 points of education and 20 points in service or professional hours. In addition, they must attain an additional 60 points advanced education and 40 points in professional and social contribution. She is one of only 39 MMCs in the State of Utah.

They presented her with a plaque from the IIMC and a planter from the UMCA. Ms. Christensen expressed appreciation to the current Mayor and Council and previous Mayor and Councils for their support and funding training for employees.

PUBLIC COMMENT

Cody Kofoed - Mr. Kofoed is the Director of Customer Service at Connected Lyfe, a service provider on the UTOPIA network. They provide internet, TV and internet phone services. This past month they have received a lot of service calls relating to the telephone service. It has been pathetic at best. He explained that they bring all the telephone calls out of Brigham City to an aggregate in Salt Lake City who then disperses the calls throughout the country. This vendor has done a very poor job, therefore the calls have not worked correctly. To resolve this, they have taken every customer's phone number and moved them to a new telephone provider. This provider is the largest internet phone provider in Utah. They are currently porting every number to this new vendor. Some customer's phones have been out during this porting process. This will conclude on Wednesday morning at 8:00 a.m. when the porting is complete. They will then be knocking on each and every customer's door and setting up appointments to replace the actual telephone and hardware with better equipment. After this, Connected Lyfe should have the best phone service in Brigham City.

Along with this upgrade, there will be a number of additional features. One additional feature is enhanced voice mail services, where customers can get their voice mails sent to their smart phone. They will also be able to listen to messages from a remote computer. They will also have international calling. There are 27 services relating to the phone service that will be enhanced.

Councilmember Christensen asked when Cloud will be available. Mr. Kofoed explained that Cloud TV allows customers to set up and record programs and tag programs that are available for recording and watch at their convenience. It is currently in beta testing and should be available by early next year.

Mayor Fife said there have been some customers that have experienced issues with their TV service. Mr. Kofoed said there were seven service tickets on November 2. This was related to a switch on the UTOPIA network that had a failure and affected customers within a certain quadrant. There have been similar failures over the last few months relating to UTOPIA hardware. During a conference call with UTOPIA on November 3 they discussed a better way to make Connected Lyfe aware of this in advance, so when customers call them they will be better educated on what is happening. There are some software issues on ongoing upgrades related to the hole in the DVR. This allows programs recorded on a DVR in one room to be viewed on TVs throughout the house. This software has some issues and will be upgraded on November 8.

Councilmember Jensen asked if Connected Lyfe is giving credit to customers that are going without services. Mr. Kofoed said there have been intermediate outages in the last ten days. They are giving every customer with a phone a free month of service. In addition, any customer that is in a contract with Connected Lyfe and has chosen to switch to another provider will not be charged a cancellation fee. Until the service is satisfactory and stable, no customer in Brigham City will be charged a cancellation fee.

Mr. Leonard said there are approximately 30 customers that have been waiting to be connected for over 30 days. He asked if they are on the list to be connected. Mr. Kofoed said they are. The challenge is that their services have not been satisfactory, so they are hesitant to connect anyone to a new system until it improves. Once the services have stabilized, they will connect those on the waiting list. They have a list of 50 that are waiting to be connected.

Councilmember Marabella felt that Connected Lyfe should recognize that they have done serious damage to Brigham City and the UTOPIA network. He has not had a phone for ten days, either incoming or outgoing. He talked to a business owner today that cannot operate their home business because their phone is not working. He has been thoroughly frustrated and disappointed in Connected Lyfe's ability to communicate with customers. At one point he was getting calls that his account has not been paid and that was why he was not getting calls. Mr. Kofoed explained that this was a pre-recorded message from the phone vendor, not from Connected Lyfe. This has been part of their frustration, that they were not able to control the messaging or the e-mail messages that were going to customers. It was also difficult to communicate with customers because the only contact information they had was their home phone, which was not working. They have e-

mailed, made phone calls and sent mailers to all their customers to get the communication out. Unfortunately, they have not been successful in contacting every customer.

Councilmember Marabella asked Mr. Kofoed what he is going to do to improve their image and help restore UTOPIA. The City has been trying to promote something positive in the community, and Connected Lyfe's service has been very disappointing. Mr. Kofoed agreed that their phone service has been bad. He apologized. They are going out of their way to communicate and, at considerable cost, greatly improve the phone system. They are offering free credits and free services and promotions to those that have been affected. Councilmember Marabella said he talked to their customer service people and he was told they would have service by November 12. He did not think that realistically the numbers can be ported and the equipment changed out in every house that has Connected Lyfe in a few days. The potential is that customers could be out of service for at least two more weeks. Mr. Kofoed explained that they have less than 200 phone customers in Brigham City. With 10-12 people he felt they could contact every customer within 3-4 days.

Mr. Kofoed said Connected Lyfe is committed to making Brigham City work. Their goal is to make their services reliable and as trouble free as possible. They are going to great lengths to test the service, certify the services, and make sure they have the best software upgrades and the best hardware available. They have already employed the most expensive set top box in the market for the television service. It is 25% more expensive than the next competitor on the market, but it works better.

Councilmember Jensen thanked Connected Lyfe for coming forward and apologizing to Brigham City and their customers. This is a first step in improving and going forward.

Lori Hunsaker - Ms. Hunsaker said she was excited to see an item on the agenda regarding chickens in City limits. She cannot do anything about the deer that are devastating her yard, but she could get chickens to eat the grasshoppers. There are a lot of problems with neighbors and people's dogs and cats, she could not see that chickens would be any more of a nuisance. She urged the Council to consider the request.

Terry McGowan - Mr. McGowan expressed concern about the museum and the grant the City has received. He said his firm has designed museums and has taken care of all kinds of artifacts all over the world. They work for some of the largest firms in the world. He has personally worked with the government in Dubai. They have done a lot of exhibits in the U.S. His company has designed and laid out the floor for the Ogden Union Station and the Utah Museum of Fine Arts at no cost. They have saved these organizations thousands and thousands of dollars. They are currently working on a facility for the Hogle Zoo which will be installed in April 2012. He has seen some of the Gunther Artifacts and these specimen are world class and need to be treated as such. His designs are unique, and if the City worked with him and liked what he did, then the City would probably want to pay him to do the rest of it. The conceptual work is free. Mayor referred Mr. McGowan to Mr. Paul Larsen.

CONSENT

Appointments to the Bicycling Committee

It was recommended that Jack Leavitt (Chair), Dave Hiester (Vice Chair), Gary Dixon, David Harrison and Gregg Weight be appointed to the Bicycling Committee.

Appointment to the Planning Commission

It was also recommended that Rob Munns serve as a member of the Planning Commission.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Christensen, seconded by Councilmember Jensen and unanimously carried.

PUBLIC HEARING

Receive Input on the Intent to Surplus a Significant Parcel of Real Property Located 332 South Main

Mr. Leonard explained that this property at 332 South Main, previously Fred & Kitty's Antique store, was donated to the City. If the Council agrees that this should be surplus, it is the intent of the City to sell the

property by sealed bids. The property was received from the Gunthers with the intent that the proceeds go to the Box Elder Museum Foundation.

A motion to open the public hearing was made by Councilmember Jensen, seconded by Councilmember Marabella and unanimously carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Marabella, seconded by Councilmember Ericson and unanimously carried.

MOTION: A motion to surplus the property located at 332 South Main was made by Councilmember Christensen, seconded by Councilmember Marabella and unanimously carried.

SCHEDULED DELEGATION

Request to Allow Chickens Within City Limits

Ms. Geraldine McGaha came forward and asked the Council to consider passing an ordinance to allow citizens the right to keep 6-8 chickens for the purpose of providing food for their families. The chickens should be kept in an enclosure which will allow them room to move about and a small shelter to protect them from the elements. The ordinance should allow just hens, no noisy roosters to wake the neighbors up in the morning. She explained that she has been increasingly concerned about the nation's economy over the last few years. Her concern is not only for herself, but for her immediate family and the entire community. She read in the newspaper that Syracuse has recently passed an ordinance permitting citizens the right to have a few chickens in their yard. Also in the paper was an article about several women who went to their City Council in North Ogden requesting an ordinance permitting chickens in backyards. She has felt the need for a long time to be able to provide food for her family should a crisis become a reality. She felt that the economy indicates that the nation is getting into trouble and citizens need to exercise their right to everything possible to provide for their families and neighbors.

Mr. Larsen came forward and explained that if the Council is willing to consider this request, the Planning Commission will need to look at an ordinance amendment and make a recommendation to the Council. Staff will look at ordinances from other cities that have recently allowed chickens in City limits.

MOTION: Councilmember Christensen made a motion to refer this request to the Planning Commission for further study. The motion was seconded by Councilmember Jensen and carried unanimously.

Bear River Health Department Annual Report

Jill Parker, Bear River Health Department Public Information Officer, came forward and reported that between early November 2009 and late spring 2010, there were over 60,000 H1N1 flu vaccines given at the Health Department, community hospital and community clinics. She reviewed other accomplishments over the last year:

- ◆ The Board of Health approved a Spice Ordinance.
- ◆ Created a Twitter and Facebook page to keep residents informed.
- ◆ The Environmental Health Division inspected school kitchens at a reduced fee.
- ◆ The Environmental Division also inspected 100% of the food establishments in the 3-County area.
- ◆ Seatbelt campaign at Brigham City Corporation and many other businesses.
- ◆ Provided breast-feeding education and home safety education for homes with new babies and toddlers.
- ◆ Provided free Whooping Cough vaccines to parents, grandparents, siblings and caregivers of infants to create a cocoon of protection around babies until they can become immunized.

NEW BUSINESS

Request to Amend Six-Year Capital Plan to Include \$100,000 for the Soup Kitchen, \$100,000 for the Family Support Center and \$100,000 for Home Improvement Projects

Mr. Roberts explained that the City has been approached by the Soup Kitchen, the Family Support Center and Neighborhood Non-Profit requesting that the City sponsor them for a Community Development Block Grant project. In order for them to apply for the grants, these projects have to be in the City's Capital Project Plan. This request is to amend the City's plan to add these three projects.

MOTION: Councilmember Ericson made a motion to amend the City's Six-Year Capital Plan to include requests from the Soup Kitchen, the Family Support and the Neighborhood Non-Profit. The motion was seconded by Councilmember Christensen and unanimously carried.

Request for Approval of Resolution Authorizing the City to Execute the Second Amended and Restated Interlocal Cooperative Agreement of the Utah Infrastructure Agency (UIA)

Mr. Leonard explained that this amended agreement includes some non-material, clerical changes. These changes were requested by Brigham City and other member cities.

MOTION: Councilmember Christensen made a motion to approve the resolution authorizing the City to execute the Second Amended and Restated Interlocal Cooperative Agreement of the UIA. The motion was seconded by Councilmember Marabella. Councilmember Ericson, Councilmember Ericson, Councilmember Marabella and Councilmember Vincent voted aye. Councilmember Jensen voted nay. The motion carried 4-1.

UNFINISHED BUSINESS

Discussion on 700 South and 200 West Intersection and 200 South and 200 West Intersection

Mr. Fonnesebeck and Chief Tittensor came to the table. Mr. Fonnesebeck stated that after he presented the 700 South and 200 West study to the Council, the engineering firm relooked at it and found that there was a miscalculation and they had not considered the morning traffic, only the afternoon traffic count and the morning traffic was much higher. When they added these numbers to the warrant study it increased to 16. This meets the qualification for a reduced speed zone at the intersection of 700 South and 200 West. The signs, along with the lights, will be installed by the end of next week. With a reduced speed zone, a crossing guard is required. The City will need to hire a crossing guard for this intersection.

Chief Tittensor said the funding for a crossing guard could come from the difference in the salaries for new officers being hired and the officers that have resigned. Funding in the future will have to be looked at in the budgeting process. He recommended that the crossing guard be an employee, not a volunteer, because it is a designated school crossing.

MOTION: Councilmember Marabella made a motion to approve a crossing guard for the intersection of 700 South and 200 West, to be funded from the Police Department's budget through June and re-evaluate during the budget process. The motion was seconded by Councilmember Jensen and carried unanimously.

Mr. Fonnesebeck reported that a traffic study will be conducted at the 200 South 200 West intersection. In the spring, they will conduct another study for a 3-week period. This will indicate whether the crosswalk at 700 South and 200 West has increased the pedestrian traffic at 200 South and 200 West.

Councilmember Christensen expressed concern that there is no sidewalk between 700 South and 885 South on 800 West, which is west of the ACYI Intermediate School. Mr. Leonard explained that when the School District approached the City about building the school, they asked the City to vacate 700 West so the school property could go from Law Drive to 800 West. The School District owns both sides of 800 West. Staff advised Council at that time that the City should put 800 West through because there was a large subdivision being developed and 700 West would no longer be available. The School District dedicated the street to the City and there is an agreement between the two parties that when the School District develops the property on the

west side of 800 West they will install curb, gutter and sidewalk. Mr. Leonard added that the City has the option to fund full street improvements in this area.

The Council asked Mr. Leonard to write a letter to the School Board expressing the safety concerns on this section of street and requesting them to install sidewalk, curb and gutter.

OTHER BUSINESS

Mayor Fife updated the Council on discussions with UIA. He and Mr. Leonard met with the UIA Chairman of Board. They are evaluating Brigham City's resolution. They proposed an alternate where they would reimburse a gap of \$130,000. He and Mr. Leonard told them that there is more gap than that because the City built out the rest of the City. Mr. Leonard and Mr. Roberts are meeting with them again on November 8 and will present a stronger case. At this time they will not accept the resolution as proposed. Mr. Leonard added that they offered the City \$130,000 for cash paying customers. Mayor Fife stated that things are still in the works. Some of the other cities feel that the City should be paid back the gap, but not new connections in full.

Councilmember Jensen asked if the City's participation is affected when member cities do not join UIA. Mr. Leonard said he would have to look at those numbers. He added that there are other cities that have expressed interest in joining.

A motion to adjourn was made by Councilmember Christensen. The motion was seconded and carried unanimously. The meeting adjourned at 8:30 p.m.